

**REMARKS**A. Period for Reply

A shortened statutory period for reply was set to expire three months from the date of the Office Action. The Office Action is dated July 17, 2003. This Amendment and Remarks is being filed on or before September 17, 2003, i.e., within two months of the Office Action.

B. Status

The Office Action of July 17, 2003 was made final.

C. Disposition of Claims

Claims 1, 3, 5, 7 and 9 are pending.

D. Application Papers

There are no drawings in the present case.

E. Priority under 35 U.S.C. §§ 119 and 120

Acknowledgment of the claim for foreign priority and of the receipt of the certified copy of the priority document was made in the Office Action of February 25, 2003 and in the Office Action of July 17, 2003. This is appreciated.

F. Attachments

Applicants submitted three PTO-1449 forms in this case, one with the filing of this case on May 24, 2001, and two on February 5, 2002. All three of these PTO-1449 forms have been signed and all of the references have been initialed. This is very much appreciated.

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## G. The Office Action

### G.1. Section 1 of the Office Action

In section 1 of the Office Action, it was stated that the text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### G.2. Section 2 of the Office Action

In section 2 of the Office Action, claims 1, 3, 5, 7 and 9 were rejected under 35 U.S.C. 102(a) as being anticipated by "Yamamoto 081166/2001." The Patent Office stated that the prior art of "Yamamoto" qualifies as 102(a) prior art and further kindly stated that this reference can be easily overcome by submitting a certified translation of the priority document. This is appreciated.

First, it is noted that, in the immediately prior Office Action dated February 25, 2003, two references were cited in the rejection of section 8 (page 6). These two references were 1) Yamamoto (JP 09328554) and 2) JP 081166/2001.

Second, it is noted that, in the rejection of section 2 (page 3) of the outstanding Office Action of July 17, 2003, the Patent Office inadvertently refers to JP 081166/2001 as Yamamoto.

Third, please note that it is believed that the Patent Office is referring to JP 081166/2001 alone because "Yamamoto (JP 09328554)" could not be overcome by the submission of a certified translation of the priority document.

Fourth, please note that applicant hereby submits a certified translation of the priority document (Japanese Patent Application No. 2000-159816) so as to overcome JP 081166/2001. The relevant dates are presented in the Table set out below:

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Present application		JP 081166/2001	
JP application (filing date)	05/30/2000	JP application (filing date)	09/16/1999
US application (filing date)	05/24/2001	JP publication (publication date)	03/27/2001

Thus, JP 081166/2001 cannot serve as a basis for a rejection under 35 U.S.C. 102(a).

It is therefore respectfully submitted that claims 1, 3, 5, 7 and 9 are allowable over JP 081166/2001.

If the Patent Office intended to refer to Yamamoto (JP 09328554) instead of JP 081166/2001, then the Examiner may disregard the certified translation of the priority document.

If the Patent Office intended to refer to Yamamoto (JP 09328554) instead of JP 081166/2001, then the arguments presented in applicant's paper of April 23, 2003 are relevant, namely:

- ◆ The Yamamoto reference relates to a flexibilized polyester film. It does not teach that its flexibilized polyester film is biodegradable. The limitation of the end product being a biodegradable polyester resin is found in both of independent claims 1 and 9. Allowance of claims 1, 3, 5, 7 and 9 is respectfully requested on the basis of this ground.
- ◆ Again, the Yamamoto reference relates to a flexibilized polyester film. It has no teaching of the step of carrying out a reaction of a recycled aromatic polyester, a limitation found in each of independent claims 1 and 9. Allowance of claims 1, 3, 5, 7 and 9 is respectfully requested also on the basis of this ground.

### G.3. Section 3 of the Office Action

In section 3 of the Office Action, the Office Action was made final. This Amendment and Remarks is being submitted within

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two months of the mailing date of the Office Action.

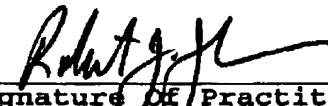
H. Telephone conference with Examiner

Though not strictly a telephone interview, it should be noted that on September 4, 2003 the undersigned called Examiner Wyrozebski Lee for clarification on the "Yamamoto 081166/2001" issue and asked whether he could fax a draft of this Amendment and Remarks that points out the issue. The informal draft was faxed and Examiner Wyrozebski Lee called the undersigned back and it is the understanding of the undersigned that applicant should follow the reference numbers, not names. Also, Examiner Wyrozebski Lee told the undersigned to indicate in the Amendment that claims 2, 4, 6 and 8 have been canceled. This is appreciated. Cancellation of these claims now appears in the Amendment. Further, claims 3, 5 and 7 have been marked "original" rather than "previously presented." This formal Amendment and Remarks, with the certified translation of the priority document to overcome JP 081166/2001, is being faxed to the Patent Office on September 4, 2003.

I. Summary

In light of the above discussion, issuance of the formal Notice of Allowance would be appreciated.

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